

**Agricultural Best Management Practices (BMP) Committee
Meeting Minutes
Tuesday, February 8, 2011; 1:00 p.m.
Arizona Department of Agriculture, Conference Room 206
1688 W. Adams St., Phoenix, Arizona 85007
Call-in Number: (800) 746-4352, pin #1828417**

Committee members present: Wade Accomazzo, Brett Cameron, Henry Darwin, Colin Kaltenbach, David McKay, Kevin Rogers, Dan Thelander (Chair), and Tom Thompson

Committee members absent:

Additional attendees: Bas Aja, Diane Arnst, Will Barnum, Philip Bashaw, Lindy Bauer, Emily Bonanni, Sona Chilingaryan, Jo Crumbaker, Danielle Dancho, Henry Darwin, Scott DiBiase, Jeannette Fish, Cheryl Goar, Kazi Haque, Eric Massey, Colleen McKaughan, Matt Poppen, Joe Sigg, Marguerite Tan, Rep. Amanda Reeve, Nick Simonetta, Rusty VanLeuven, and Nancy Wrona

Welcome

Chairman Thelander opened the meeting, noted a quorum was present, and welcomed everyone. Chairman Thelander said that there is a new member representing the citrus growers, replacing Al Lopez. Mr. Lopez has been a faithful appointee, making many motions during his tenure on the Committee; his years of service are greatly appreciated. Chairman Thelander asked all attendees to introduce themselves and indicate their organization. Chairman Thelander welcomed Bill Wiley, Maricopa County Air Quality Director, as the County Representative on the Committee.

Discussion and Possible Action on Minutes from July 27, 2010, Committee Meeting

Chairman Thelander started the meeting with the review of the minutes from the July 27, 2010, Agricultural Best Management Practices Committee (hereafter Committee) meeting. Chairman Thelander asked if there were any comments or revisions to the minutes. Kevin Rogers, Committee member, moved to approve the minutes; seconded by Colin Kaltenbach, Committee member. Chairman Thelander asked if there was any further discussion regarding the minutes. Hearing no additional comments, Chairman Thelander asked the Committee to approve the minutes; all approved. Motion carried.

Discussion on EPA Overview of 5% Plan Issues Related to BMP Program

Henry Darwin, Acting Director – Arizona Department of Environmental Quality (ADEQ), said the Environmental Protection Agency (EPA) proposed to partially approve and partially disapprove portions of the Five Percent Plan for the Maricopa County Serious Nonattainment Area for particulate matter. EPA was compelled to take this action by January 28, 2011, as the result of a settlement with the Arizona Center for Law in the Public Interest (ACLPI) regarding the plan. ADEQ chose to withdraw the Five Percent Plan because it was clear that the outstanding issues could not be resolved by the January 28, 2011, deadline. Portions of EPA's disapproval related to the Agricultural Best Management Practices (BMP) Program. ADEQ must revise the BMP rule for inclusion in the revised Five Percent Plan. EPA provided comments and suggestions for revising the BMP rule. Amanda Reeve, Representative – Arizona Legislature, has proposed a bill that the Committee can use as a vehicle if legislation is necessary to modify the BMP Program in order to avoid sanctions and/or deadlines. Mr. Darwin concluded by saying it is important that EPA representatives are here to share their concerns regarding the Five Percent Plan and to answer any questions.

Colleen McKaughan, EPA Region IX, said there are two primary issues pertaining to the withdrawal of the Five Percent Plan; the emissions inventory in the plan and the attainment demonstration, which hinged primarily on exceptional events. EPA looks at an emissions inventory to make sure they are comprehensive, current, and accurate. Ms. McKaughan said there are no problems with the comprehensiveness or currency of the emissions inventory, the problem is with accuracy. Emissions reductions from the construction sector accounts for 82.5 percent of 2010 reductions, which are mainly from increased compliance with Maricopa County Rule 310 and Rule 310.01. The reductions from construction are not proportional to the 38 percent contribution to emissions from construction activities. This is a heavy reliance and burden on one sector. The recession and subsequent slow down in construction activities resulted in emissions reduction from the construction sector; however, some monitors are still showing exceedances. EPA sent a letter to the Maricopa Association of Governments (MAG) explaining the issues with the emissions inventory. EPA received the plan on December 31, 2007, and determined there were issues with the monitoring data and monitor exceedances in 2008. The Five Percent Plan had to show clean monitoring data in 2008, 2009, and 2010; otherwise EPA cannot approve the plan. ADEQ flagged the exceedances in 2008 as high wind events under the Exceptional Events Rule and EPA has reviewed these flagged events. There are still significant questions regarding the baseline emissions inventory of the plan and if it is not accurate, then annual reductions will also be inaccurate.

Chairman Thelander asked Ms. McKaughan to clarify when the exceedances occurred. Ms. McKaughan said there were 11 exceedances in 2008, 22 exceedances in 2009, and no exceedances in 2010. Mr. Darwin said all of the exceedances in 2009 have been flagged as exceptional events, but the documentation has not been submitted to EPA. Chairman Thelander asked if the monitors showing exceedances were located throughout the nonattainment area or if they were localized in specific areas. Ms. McKaughan said that some exceedances occurred at the West 43rd monitor, Durango, and a couple of other monitors. Multiple monitors showed high readings and there were 22 exceedances in seven days. Ms. McKaughan asked if the exceedances in 2008 had similar characteristics. Mr. Darwin said that it appears high wind

events coincide with high reading at monitors. Ms. McKaughan said that EPA looks for those situations where multiple monitors have high readings at the same time.

Ms. McKaughan said the other issue is the attainment demonstration, which EPA would only approve if they agreed with all of the exceptional events flagged by the state. On May 21, 2010, EPA sent a letter to the state indicating they did not concur with all of the exceptional events, the area is in violation of the standard for particulate matter, and subsequently it is still considered nonattainment. Using the criteria identified in the Exceptional Events Rule, EPA did not agree with the demonstrations provided by ADEQ. To approve a flagged event, the demonstration must provide all of the factors and conditions occurring at the time of the event. EPA also looks at the appropriate wind speeds are for that given area and controls used in the area where the event occurred. EPA needs to see what best available control measures (BACM) are used and if a wind event overcomes those controls, the event may be able to be defined as exceptional. Ms. McKaughan said this process is easy to discuss but not easy to work with. EPA wants to work with states to develop an approach that works for everyone but still uses the existing rule, because exceptional events will continue and need to be assessed quickly and efficiently.

Chairman Thelander asked if there is an assessment or procedure change from area to area when developing a demonstration for an exceptional event. Ms. McKaughan said that EPA is discussing this issue on a national level because different areas have different types of exceptional events. In the Southwest there are high winds and wildfires, and the change in the ozone standard might have an affect on exceptional events related to wildfire. EPA must be prepared to assess the events in a way that makes sense to the states. Technical staff at EPA has indicated the Maricopa County area may have different "high" wind speeds than what is experienced in California. EPA is addressing this issue on a national level and discussing it with management at headquarters on ways to interpret the Exceptional Events Rule and develop a more efficient process for both EPA and states. Ms. McKaughan said a presentation will be made to WESTAR this spring by Janet McCabe about the national policy direction for exceptional events. The question has been raised about what happens when a plan has to be developed quickly, within one year, and EPA has not yet concurred with an exceptional events demonstration. Ms. McKaughan said EPA will have to develop a way to make the existing rule work for stakeholders and regulators.

Kevin Rogers, Committee member, asked if EPA's main problem was with the emissions inventory. Ms. McKaughan said the accuracy was not representative of what is actually occurring. In Maricopa County, there are different entities working on the emissions inventory, and it appears that not all of the portions of the inventory are accurate. Concerns were raised in December 2007, and the partial approval/disapproval spelled out EPA's concerns. Many of the control measures in the plan are good and should be retained. MAG and Maricopa County did a good job describing the issues on stagnant days and the trend is positive; monitors are not exceeding as frequently and the levels are lower. At this time, the elevated wind days need to be addressed.

Chairman Thelander asked if the emissions from construction activities were overstated, if the contribution pie has changed, and to what extent. A county representative said Maricopa County revises the emissions inventory every three years and is currently developing the 2008 inventory.

The inventory submitted with the Five Percent Plan in 2007 was the 2005 emissions inventory. The construction industry took a major hit by the time the 2008 inventory started to be developed. The controls anticipated by the county to reduce emissions were not implemented but emissions reduction occurred due to the slowdown inactivity. The 2008 inventory will be used to update the emissions to 2011 for a plan submittal in 2012; the 2011 inventory will serve as the basis for the resubmittal of the Five Percent Plan. The 2008 emissions inventory is out for public comment. The pie chart shows that emissions from home building activities are now 14 percent, which was down from 38 percent in the 2005 emissions inventory.

Ms. McKaughan said that the disapproval portion in the proposed action pertains to enforceability and specificity of the BMP Program. When the program was initially adopted in 2001, EPA approved the program as BACM and it was first program of its kind; but over time conditions and regulations have changed. Other states have adopted similar programs but are more stringent than the one in Maricopa County because of how the programs are implemented. Other state programs either require permits or a form of record keeping and reporting. EPA is struggling with the BMP Program in Maricopa County because there is no way to document the emissions reductions. The reductions from the BMP Program are counted as a contingency measure in the Five Percent Plan as part of the fourth year of five percent reductions needed for plan approval. EPA would like the program to have more specificity in its definitions or in the implementation process in order to track emissions reductions, which will allow EPA to defend the program in court. EPA withstood legal challenge to the Conservation Management Practices (CMP) Program in California. The BMP Program's menu driven approach is good, but it needs more specificity. On April 14, 2010, EPA sent a letter to the Committee with suggestions for improving the program. EPA would like the Committee to adopt changes that are easy for the agricultural community yet provides the necessary information to make the program defensible. Ms. McKaughan said that Sona Chilingaryan, EPA Region IX, is the staff person working on the BMP Program. EPA is committed to work with the agricultural community in order to develop the best program possible.

Chairman Thelander said the Committee will form a technical workgroup to research information regarding EPA's suggestions. The Committee should start with a timeline so we know how much time we have to develop any revisions. Mr. Darwin said the goal is to submit the revised Five Percent Plan in January 2012, and working backwards from that date, it is likely that legislation will be needed to adopt changes to the BMP Program or that emergency rulemaking authority from the legislature will be necessary to exempt the revisions from the normal rulemaking process. Since changes will be made this year, the Committee should take advantage of the fact that the legislature is currently in session because it will not be in session when the revised plan needs to be submitted. There is a short timeframe to establish the framework for revisions to the program, and it is likely that statutory changes will be necessary.

Chairman Thelander asked if the Committee will bypass the Governor's Regulatory Review Council (GRRC) process if it receives legislative authority to change the rule. Mr. Darwin said if exempt rulemaking authority is granted, the Committee will bypass the normal GRRC process. Colin Kaltenbach, Committee member, asked about the odds of receiving this authority. Mr. Darwin said it depends on stakeholder support because exempt rulemaking authority is not typically granted to regulatory agencies out of fear that agencies will abuse the authority.

Authority is more likely to be granted if the Committee goes to the legislature and expresses support for the process and acknowledges the commitment from ADEQ, Maricopa County, and MAG to the stakeholder process.

Rick Lavis, Arizona Cotton Growers Association, said Senate Bill 1552 (2007 Second Session, Arizona Legislature) was exempt from the GRRC process. Revisions will be more cumbersome if they are made in statute rather than rule. All of the BMPs are in the rule and it appears that all of them will need to be revised. Mr. Lavis recommended doing an exempt process because the end result is the same; even though the GRRC process is cut out, the rules are still published in the state register and subject to public comment. Mr. Darwin said the Committee will need legislative authority. Chairman Thelander said if the exemption is granted, then the Committee can proceed at their own pace because it will avoid GRRC and other related notices. Mr. Darwin agreed, but stated the Committee will still have to complete revisions by the January 2012 deadline for the Five Percent Plan submittal. Mr. Lavis said when the Committee adopted changes in 2007, ADEQ had to certify the BMPs as effective prior to submitting a revision to the state implementation plan (SIP). Chairman Thelander asked if the Committee should complete the revisions by fall of this year. Mr. Darwin said that would be a good target.

Mr. Rogers asked if the Committee already has the authority to revise the existing program and add the specificity required by EPA without new legislation. Specifically, he asked if the Committee has the authority to adopt part of it, can it mandate certain elements, and can it add a fourth category of agricultural activities. Mr. Darwin said ADEQ would have to review the authorizing statute in SB 1552 to verify if it was a one-time exempt rulemaking or if it was a continuing authority. Because of the short turnaround, the Committee needs to bypass the normal rulemaking process. Mr. Darwin added that he thought SB 1552 was a one-time exempt process.

Chairman Thelander asked about the status of the changes adopted by the Committee last year. Mr. Lavis said animal operations were added by SB 1225 and SB 1552 was a one time exemption. Chairman Thelander asked about adding the fourth category for land leveling. Nancy Wrona, ADEQ, said a fourth category could be a subset of measures under cropland activities. Chairman Thelander reminded Ms. Wrona that last year the Committee added the fourth category in crop operations for significant land leveling, but asked if those BMPs can be added under the cropland category. Ms. Wrona said an argument could be made that those activities could be placed in the cropland category since those activities are conducted on cropland. This would avoid any other changes to the current legislation; however, it is possible that additional authority might be necessary to add the category. Bas Aja, Arizona Cattleman's Association, said it is his understanding that the Committee will get the exemption or emergency authority to give the Committee, not ADEQ, the authority to make necessary changes to the BMP Program.

Chairman Thelander said Ms. McKaughan or Ms. Chilingaryan should provide an overview of EPA's comments on the BMP Program. Ms. Chilingaryan said the main issue is specificity. If the BMP Program does not have enough specificity it is difficult for the rule to be enforceable and defensible in court. For example, there are many modifications a farmer could make to implement the BMP for equipment modification because the definition is broad. The rule needs

to implement BACM level control and demonstrate that measures being implemented are the best control measures available and the most economically and technically feasible. Instead of specificity in the rule, San Joaquin Valley developed a process that provides specificity. In San Joaquin Valley, farmers fill out a form and, in addition to checking the CMPs they choose, they also provide details regarding how they will implement their CMPs. The Air District or Natural Resource Conservation Service (NRCS) reviews and accepts the application. If there is an issue with the application, the agencies work with the farmers. EPA is very aware of how resource intensive this process is for San Joaquin Valley. One way to incorporate specificity without an intensive process is to put specificity in the rule language. Many of EPA's lawsuits and challenges deal with the issue of specificity. EPA was able to defend San Joaquin's CMP Program because of the process that shows the rule is BACM. Without a process like this, EPA will need another way to provide specificity in order to have a defensible program. Ms. McKaughan said if there is specificity in what farmers have chosen to implement, it translates into reproducible emission reductions and provides proof that the BMP Program is getting the emissions reductions it claims. This is the same type of process that EPA has with other programs, and EPA wants to develop a program in Maricopa County that works for the farmers. The question was asked if a farmer would be able to just explain exactly how they modified their equipment instead of checking a box to indicate the chosen BMP. Ms. Chilingaryan said that it is important to discuss flexibility because there are equipment modifications that would work for some farmers and not for others. One thing to consider is how to bring in specificity into the program and also allow flexibility. For example, there are BMPs that reduce the number of passes over a field. Instead of providing the specific modification, the BMP could be revised so that equipment modification is something that reduces the number of passes over a field. This would be a more general way to get at the amount of emissions reductions that will happen but still allow for flexibility. These revisions could take some time to complete, but work has already been done to estimate potential emissions reductions for the BMPs, which could be brought into the rule itself. Ms. Chilingaryan said that ultimately EPA needs to know that the emissions reductions from the BMP Program actually occur in the field.

Marguerite Tan, PFFJ, LLC., said the previous changes adding animal production to the BMP Program contained some record keeping requirements where the producers would keep track of the BMPs and how they were implemented. She asked if this is acceptable and if not, how can it be changed. Ms. Chilingaryan said that might be partially acceptable, but it leaves out the portion of the specificity that allows EPA to say the BMPs are BACM. In the past, EPA has discussed a hybrid application process that would not need to be extensively reviewed but submitted to ADEQ and provide additional details. Chairman Thelander said that the livestock portion added last year included the possible reporting requirement but crop operations do not have a reporting requirement at this time. A question was asked how the specificity requirement would affect a reasonable available control measure (RACM). Ms. Chilingaryan said that in some fugitive dust categories, there are not many situations where EPA needs to differentiate between RACM and BACM. The BMP rule in Maricopa County was initially approvable as RACM; EPA went back and approved it as BACM. In general, RACM is supposed to be less stringent than BACM and a RACM level rule that is not as stringent as a BACM level rule could be included after discussion of the differences. There are enforceability issues that apply whether it is RACM or BACM; however, it is a baseline component that needs to be put into the state implementation plan (SIP).

A request was made to clarify what EPA means by “enforceability.” Ms. Chilingaryan said enforceability means that emissions reductions resulting from implementation of the BMP Program are able to be verified, which is difficult to accomplish without specificity. Mike Billotte, United Dairymen Association, asked if enforceability is an issue of documentation. Ms. Chilingaryan said it is documentation and verifying those activities actually occur in the field.

Mr. Thompson asked if changes need to be made to the livestock BMPs. Ms. Chilingaryan said that she has not looked at the livestock BMPs recently, but can review them to see if changes are necessary. The livestock BMPs are similar to those in San Joaquin Valley, but she was not sure if the livestock forms asked for details regarding how the BMPs are implemented and additional details providing the specificity EPA requires. Mr. Thompson said he thought the livestock BMPs were specific; they were modeled after programs from other states and less like the process for crop operations in Arizona but if changes need to be made, the Committee should know now. Mr. Rogers said the technical workgroup is reviewing the existing program for crop operations and the new livestock program is not in question at this time. Brett Cameron, Arizona Department of Agriculture, said that the comments from EPA regarding the BMP Program asked for specific elements for livestock operations such as mandatory requirements during high winds as well as moisture content and test methods to verify compliance. Ms. Chilingaryan said it was instructive to have Dr. Brent Auvermann present his research on watering livestock pens to the Committee. The Committee should review the livestock rule from Imperial County, California; EPA would support the Committee if they adopt similar practices and requirements. Mr. Thompson wanted to clarify if the livestock BMPs adopted last year are good or if they need to be revised by the Committee. Ms. McKaughan said that EPA has not received a formal submission and the livestock rules would be submitted in the next iteration of the plan; EPA will act on the next revision of the plan. Ms. Tan commented that some specificity was not included in the livestock BMPs since quantities are different for different types of operations and it would be a burden on farmers regarding time and money to perform testing in the field that may be available to those in Maricopa County but not available to the typical producer. A member of the audience said assessing moisture content depends on soil type, amount of moisture, depth of moisture, and test method. If producers are required to test soil moisture, the commenter asked if will they have to purchase specialized equipment and what kind of methods will be required. Ms. Chilingaryan responded that the requirements for livestock are not set at this time, and there are many issues to discuss. When EPA is working on agricultural issues, they work with the NRCS and USDA and all agree there are tests for other industries that are not feasible or practical for agriculture. There are procedures to determine moisture content of soil but EPA will have to discuss the issue with soil scientists. The USDA provides information on how to quickly and easily determine the moisture content of soil, but there are other methods and if needed, all can work together to figure out what will work in Maricopa County and meet requirements.

Chairman Thelander asked if it is fair to say that fewer changes are required for the livestock BMPs. EPA’s comments on the crop BMPs are broad and there are more BMPs to review if more specificity is needed in all of them. The livestock BMPs contained more detail and were recently reviewed and adopted by the Committee. Ms. McKaughan said EPA will need to review a draft of the livestock BMPs to determine if more detail is necessary. Chairman Thelander said a technical workgroup will be formed for livestock, and another for crop farming,

to discuss these issues what will work for each industry. Ms. McKaughan said EPA would like to participate in these workgroups.

Mr. Lavis said EPA identified three BMPs in the partial approval/disapproval, but he wanted to clarify if all of the definitions need to be reviewed. Ms. Chilingaryan said that there are issues with most of the definitions; however if the Committee thinks a BMP is specific enough, it can be discussed further. Mr. Lavis asked if EPA will be in the room when the crop technical workgroup begins to evaluate the definition. Ms. Chilingaryan said she will either participate in person or via conference call. Mr. Lavis said given the short timeframe, EPA should help in the process. Ms. McKaughan wanted to clarify Mr. Lavis' comment, that EPA should participate in the discussions every step of the way so EPA can identify problems and what will work for the BMP Program. Mr. Lavis said that is the best way to proceed. Ms. McKaughan said EPA will commit to participate in the technical work every step of the way.

Chairman Thelander said the Committee needs to organize the technical workgroup and asked how it was done in the past. Ms. Wrona said that members were recommended to the chair by Committee members and meetings were staffed by ADEQ; the workgroup meetings must be run consistent with open meeting law with agendas and minutes. Chairman Thelander said recommendations can come from industry, Committee members, stakeholders, ADEQ, and Maricopa County. Chairman Thelander asked if the Committee has to make a formal motion to approve technical workgroup members. Ms. Wrona said she did not remember how the technical workgroup was organized in the past, but did not think it had to be formally approved by the Committee. ADEQ will need to staff the technical workgroup meetings under the Open Meeting Law. Mr. Thompson recommended that since the initial livestock technical workgroup should be kept intact. Chairman Thelander asked who should compile the recommendations. Ms. Wrona volunteered to receive the recommendations if Mr. Darwin agreed and offered to facilitate sending the names to Chairman Thelander. Chairman Thelander encouraged those from the agricultural industry to recommend individuals to Ms. Wrona and asked to review the previous technical workgroup list.

Ms. McKaughan appreciated the time to explain EPA's position and the opportunity to work with the Committee so the Five Percent Plan can be completed quickly. Mr. Darwin pointed out that the agricultural community, Maricopa County, and other regulators have done a good job of addressing the issues related to stagnant air conditions. The current issue is windblown dust and the Committee should keep that in mind as it looks at ways to improve the program and the Five Percent Plan. Mr. Darwin said that he asked industry to consider the same issues, if there are measures done on a regular basis to reduce windblown emissions, they should be brought to the table so agriculture can get credit for what is being implemented. The previous focus was what can be implemented on a daily basis to reduce emissions and the focus has shifted to can done when the wind is blowing; EPA has provided some direction on what to do. Chairman Thelander said it might be helpful if ADEQ can provide a summary of exceedances in the last year or more to give the Committee an idea of the conditions that occurred and the timing of the exceedances. Mr. Darwin said ADEQ is working on this and can provide that information to the Committee.

Mr. Lavis said the Committee needs to make a motion to establish the new technical workgroup for crop operations and reaffirm continuation of the livestock technical workgroup. Mr. Cameron moved to reconvene the technical workgroup for crop operations; seconded by Mr. Rogers. Chairman Thelander asked for additional discussion on the motion. Mr. Cameron asked to clarify the timeframe for the technical workgroup meetings and activities. Mr. Darwin said there will be a significant time commitment to the process and the workgroup for crops should set an aggressive schedule and meet every other week because all of the definitions for crop operations need to be reviewed; the livestock technical workgroup may also need to have an aggressive schedule. Mr. Cameron also suggested a time frame to provide Ms. Wrona with recommendations so the process can begin as soon as possible. Chairman Thelander said one week to ten days would be a good time frame for the regulating agencies and industry to provide recommendation. Mr. Rogers said we need to make sure that there are actual growers and producers involved in the respective technical workgroups, their views and opinions are very important because they are the ones who actually implement the BMPs. Chairman Thelander asked the Committee to approve the minutes; all approved. Motion carried.

Call to the Public

Don Gabrielson, Director – Pinal County Air Quality Department, said it is his understanding that the BMP Program will roll out by operation of law in Pinal County once EPA designates the nonattainment boundaries. If this is the case, since the Committee is reviewing the BMP Program at this time, there is no guarantee of having an additional process for Pinal County even though there many individuals who will be affected and the program will be new to them. Mr. Gabrielson asked if issues specific to Pinal County will be included in the timeline for the process under discussion. Mr. Aja said the process should be easier in Pinal County because of the way the beef BMPs were developed. Control measures are RACM, BACM, or most stringent measures (MSM) and as a moderate area, Pinal County will be RACM, keeping in mind the measures need to achieve attainment. Mr. Aja believes the Committee can make the necessary revisions prior to working with the program in Pinal County.

Mr. Gabrielson said that Pinal County has not fully developed an emissions inventory and it is his understanding that agriculture contributes to three percent of the emissions inventory for particulate matter in Maricopa County; however, in Pinal County, agriculture may contribute to a larger portion of the emissions inventory. It may be more important that the BMPs are effective in Pinal County and issues specific to Pinal County are raised during this process. Chairman Thelander said the majority of the BMPs for Maricopa County will work in Pinal County, but the Committee will need to review and discuss the number of BMPs required per category for implementation of the program in Pinal County. Mr. Darwin said it is important that Pinal County be involved in this process because what is done here will apply there in some way, shape or form. There may not be a big difference between BACM in Maricopa County and what measures can be scaled back to meet RACM in Pinal County.

A comment was made that there is not complete overlay in Pinal County, given that irrigation districts would participate in the BMP Program. There will be new categories and new BMPs in those categories with respect to the irrigation districts. Pinal County will have to figure out how

this participation will work because the nonattainment area maps may not come out to trigger the process until the end of March. The irrigation district would like to get ahead of the curve and develop something to submit. Mr. Darwin said that there will be a need for separate discussions regarding Pinal County, but it is important that there is Pinal County now. The irrigation districts will need guidance on the process.

Chairman Thelander said Pinal County will be designated as nonattainment soon. Ms. Wrona said the EPA goal is to get the designation for Pinal County by the end of the first calendar quarter, which is March 31, 2011. Participation of the irrigation districts will require additional discussion within the context of the development of the moderate area plan for Pinal County. The Committee will have to go through all of the steps for Pinal County that were done in Maricopa County and it will have to demonstrate attainment. The process for the irrigation districts may be part of the development of the PM₁₀ plan for Pinal County but it may not need to be completed for the Maricopa County process. Chairman Thelander said the Committee needs to involve Pinal growers and producers in the current technical workgroup even though the program may be slightly different in Pinal County.

Action Items and Next Steps

- 1) ADEQ to summarize the changes necessary through legislation versus changes the Committee has the authority to make through rulemaking. ADEQ will engage with the committee and stakeholders on this process.
- 2) ADEQ will send the old technical workgroup list for crops (from 2007) to the Committee and send notice to the livestock group (2009 – 2010) that they have been reactivated.
- 3) ADEQ to ensure that Pinal County receives notice of the technical workgroup meeting.
- 4) ADEQ to notify EPA of technical workgroup meetings to facilitate their involvement.
- 5) ADEQ will staff technical workgroup meetings according to open meeting law.
- 6) As technical workgroup meetings proceed, ADEQ requests that technical workgroup members keep in mind of ongoing practices that are implemented during high wind events for possible inclusion as a change to the rule or incorporation into the BMP Program.
- 7) ADEQ to provide a summary of exceedances by month to be able to show to the committee in graphical terms and by location.
- 8) Technical workgroup for crops operations to hold meetings every other week.
- 9) ADEQ will assist Chairman Thelander in development of comments for an EPA Region IX meeting regarding standards on March 2, 2011, in California.

Adjournment

Chairman Thelander asked if there were any further items for discussion. Mr. Rogers said it is his understanding that there is a “hot spot monitor” and suggested that the Committee look for ways to deal with finding a more representative location. Placing a monitor within a quarter mile of a river bottom is not necessarily a good location. This has proven to be a bad location and even though it likely was not EPA’s intent to create a hot spot, this monitor may not be representative of conditions in the area. As air quality standards are reviewed and the level of

rules put on industry increase, this is one issue that needs to be addressed because it will continue to be problematic especially if the standards are lowered. Mr. Rogers suggested that EPA reevaluate the location of monitors and possibly relocate this monitor. Chairman Thelander thanked Ms. Reeve for coming to the meeting and sitting on the discussion. Mr. Thompson asked the status of the livestock BMPs. Mr. Darwin said ADEQ will check on that issue. Diane Arnst, Air Quality Planning – ADEQ, said that when EPA submitted the letter regarding their concerns and issues regarding specificity and enforceability, ADEQ reconsidered the timing of submitting the rulemaking for livestock operations. Chairman Thelander adjourned the meeting at 2:45 p.m.

DRAFT